

REMARKS

This paper is responsive to the final Office Action mailed July 7, 2010 (hereinafter "Final Office Action"). Applicant would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. It is respectfully submitted that in light of the remarks below, all of the claims are now in condition for allowance.

Status of Claims

Independent claim 35 is indicated as allowable in the Final Office Action mailed by the Patent Office ("PTO") on July 7, 2010. Applicant has amended independent claim 1, without prejudice, to limit claim 1 to the allowed subject matter of claim 35, namely that "wherein enabling bandwidth optimization includes ~~at least a one of~~ reconfiguring a switching matrix within the network ~~and reducing a number of channels in the network.~~" Amendments noted. Applicant has also amended independent claims 2 and 20, without prejudice, in a similar regard. Independent claim 35 is canceled without prejudice. Thus, claims 1-15 and 20-34 are in allowable condition.

Independent claims 1, 2, and 20 and dependent claims 3-15 and 21-34 have also been amended with clerical changes, without limitation or prejudice and not for any reasons relating to patentability.

Claims 16-19 remain canceled.

No new claims are added.

Objection to Claims 15 and 33

Claims 15 and 33 stand objected to in the Final Office Action, "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." See Final Office Action, p. 7. Applicant has amended independent claims 1 and 20 from which claims 15 and 33 depend, respectively, to include recitations from previously allowed independent claim 35. Thus, claims 15 and 33 are allowable by way of other amendments to independent claims 1 and 20 from which claims 15 and 33 depend. However, Applicant intends to file a continuation application to pursue the allowed subject matter of claims 15 and 33 in a continuation application.

Rejections

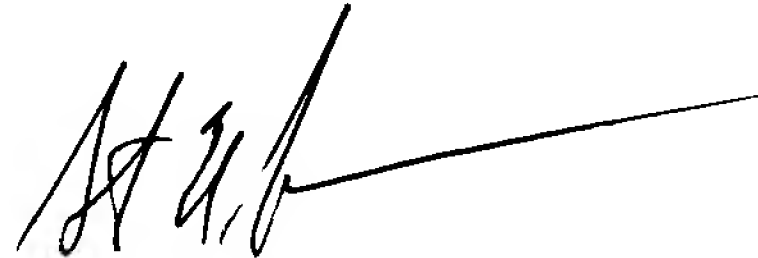
The amendments to claims 1 and 20 to take subject matter indicated as allowed in claim 35 renders the rejections in the Final Office Action moot. The amendments are made without prejudice and without Applicant agreeing with the rejections set forth in the Final Office Action. Applicant reserves the right to argue against the rejections presented in the Final Office Action in related cases and/or post issuance.

Conclusion

For at least the foregoing reasons, Applicant respectfully submits that claims 1–15 and 20–34 of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Harper is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that any fee is due in connection with this Response. However, any additional fees that may be necessitated by this Response may be charged to Deposit Account No. 50-1732.

Respectfully submitted,



Steven N. Terranova
Registration No. 43,185
Withrow & Terranova, PLLC
100 Regency Forest Drive, Suite 160
Cary, NC 27518
919-238-2300

Date: September 7, 2010
Attorney Docket No.: 7001-709